

REMARKS

The instant Amendment responds to the objections and rejections set forth in the Office Action of August 4, 2009.

The specification and drawings have been revised to emphasize the unique aspects of applicant's improved retractable guard assemblies for scalpels. Applicant's removable top, which prevents exposure of the cutting blade until its complete removal, comprises a head 61 and a tail portion 62. The tail portion rests within a slot in the lower surface of the guard, which encloses the cutting blade. The head portion rests in a plane parallel to the upper surface of the guard. A downwardly extending lip 61a joins the head portion and the tail portion, and establishes the proper spacing therebetween.

The slot in the guard, previously expressed in claim 2, has been incorporated into independent claim 1. Claim 2 has been cancelled.

Claim 1 has been revised to recite the specific relationships between head 61, lip 61a, and tail portion 62 of the tab removal assembly.

Claims 1, and 3-15 are presented for consideration.

The revisions to claim 1 clearly, and completely, define the structural components that prevent the cutting edge of the scalpel blade from being exposed by forward movement. Classes 3-11, which depend from claim 1, recite additional details of applicant's invention. The rejection under 35 USC §112, second paragraph, has been overcome, and should be withdrawn.

Similarly, the rejection of claims 1-8 and 12 as being unpatentable over Kiehne (WO 01/05312) in view of Gringer (U.S. Patent No. 6,085,607) should be withdrawn. The shortcomings of Kiehne and Gringer, when compared to applicant's invention, as presently claimed, have been recited, at some length, in prior Amendments. Gringer shows a blade carrier with a snap-off extension 74, 76 for limiting forward travel of blade 12; no suggestion is made of a guard with a slot, a head section and a tail section with a downwardly extending lip, etc.

The same holds true with the rejection of claims 9-11 as being unpatentable over Kiehne in view of Gringer, and further in view of Abidin et al.

Claims 12-15 have been recast in somewhat different terms to emphasize the "anti-lift" feature. The rejection of claims 12 and 15 as being unpatentable over Kiehne in view Abidin

et al is traversed for reasons advanced in previous Amendments. The same holds true for the rejection of claims 13 and 14 based upon Kiehne, in view of Abidin et al, and further in view of Herbert (U.S. Patent No. 5,868,771). The manner in which the Examiner has combined the different aspects, of diverse scalpels, utility knives, etc. can only be attributed to a hindsight reconstruction, illuminated by applicant's disclosure.

Attorney for applicant has two samples of applicant's surgical scalpel, and wishes to demonstrate same to the Examiner, at a personal interview. The demonstration, when conducted, should materially advance prosecution. Attorney for applicant will call the Examiner within two weeks to arrange such interview.

Prompt, and favorable, consideration of the Amendment, presenting claims 1 and 3-15 is clearly in order.

Respectfully submitted,

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Date

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